Supreme Court, U.S.
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No. 05-270

In The

Supreme Court of the United States

ROBERT LANELL GRIFFIN,

Petitioner,

v.

STATE OF MICHIGAN,

Respondent.

On Petition For Writ Of Certiorari To The Michigan Supreme Court

PETITION FOR WRIT OF CERTIORARI

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QUESTIONS PRESENTED

1. The Michigan Court has said that Petitioner should have review of his Sixth Amendment claims in post-conviction proceedings in state court, but then has misapplied settled Sixth Amendment doctrines set forth in U.S. Supreme Court case law to impose an unduly narrow definition of what constitutes appellate ineffective assistance of counsel so as to bar many valid Sixth Amendment claims, of hundreds of litigants, including those of the Petitioner?

2. Should this Court grant Certiorari to determine if the Petitioner was detained in violation of the Fourth Amendment by the side of the road after a routine traffic stop of his car (A) where there is an issue of whether the suspect could have been validly arrested, and (B) where there is insufficient other cause existed to justify an unreasonably long period of detention – lasting almost an hour – that lasted so long so police could conduct a dog sniff of the car?

3. Should this Court reconsider its traditional reluctance to hear Certiorari Petitions from state court post-conviction proceedings because the Anti-terrorism and Effective Death Penalty Act may functionally bar habeas court review of the question of the scope of the state appellate counsel's Sixth Amendment duty to their clients?

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REFERENCE TO OPINIONS BELOW

The Michigan Supreme Court's May 31, 2005 denial of Petitioner's Application for Leave to Appeal of the lower court orders denying his post-conviction appeals is attached. The Michigan Court of Appeals August 20, 2004 Order denying him post-conviction relief under Mich. Ct. Rule 6.508(D) is also attached. The Court of Appeals docket entries are attached showing that the Berrien County Circuit denied his post-conviction relief motion by an Order issued by the Honorable Thomas E. Nelson, State Circuit Court judge. (App. 14, Docket Entry No. 2.) These Orders were entered in denying Petitioner's post-conviction review motion and appeals of those orders. The Michigan Court of Appeals decision of February 25, 2000 denying Petitioner's direct appeal in a six page unpublished opinion is attached (App. 1-6), as is the Court of Appeals Order of May 24, 2000 denying rehearing. (App. 7.)

JURISDICTION

Petitioner seeks review of the May 31, 2005 Order of the Michigan Supreme Court denying his request for post-conviction relief, and rejecting his Sixth Amendment and Fourth Amendment claims for relief from his conviction. This court has jurisdiction pursuant to 28 U.S.C. Sec. 1257.

CONSTITUTIONAL PROVISIONS INVOLVED

U.S. Const., Amend. IV:

> The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

U.S. Const., Amend. VI:

> Rights of the accused. In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and

> district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the Assistance of Counsel for his defense.

STATEMENT

On August 21, 1998, Robert Griffin was stopped by Michigan State Trooper James Coleman at 8:25 a.m. while driving on I-94 from Chicago, where he lived, to visit his family in Michigan, where they lived. (App. 20-23, 103.) The police officer pulled Mr. Griffin over for speeding – after the officer clocked him on a radar driving 78 mph in a 70 mile per hour zone. (App. 22, 35-36.) Mr. Griffin told the officer he was driving his aunt's car and was going to visit his son in Kalamazoo, Michigan. (App. 24, 43.) The police officer talked to Mr. Griffin for about ten minutes before he called the police dispatch to see if Griffin's plates and driver's license were valid. (App. 30.) Mr. Griffin gave the officer a valid Illinois driver's license, but did not have the information about the car registration with him. (App. 24.)

The period when his Michigan driver's license had been suspended was over, and Griffin chose not to pay the fee to reinstate it – choosing instead to get a valid Illinois driver's license in the place where he lived (i.e., Chicago, Illinois). (App. 35.) Mr. Griffin was employed in Chicago and worked for a Ticketmaster outlet in Chicago. (App. 84.) When Trooper Coleman called dispatch, he learned that Robert Griffin had not renewed his Michigan driver's license, after the suspension period had expired, so it was never reinstated. (App. 35-36.) The officer concluded that, since Griffin's Michigan license had not been renewed, after being suspended, that he was eligible for arrest for driving on a suspended license. (App. 25, 35-36.) The police officer put Griffin in handcuffs without discussing with him why he had switched to a Chicago driver's license, instead of renewing his Michigan driver's license. *Id.* Griffin was put in the back of the squad car. *Id.*